

ATTACHMENT A

COUNT ONE
(Distribution of Child Pornography)

From on or about September 25, 2017, through on or about April 29, 2018, in the District of New Jersey and elsewhere, the defendant,

PERTH DE
a/k/a “Parthasarthie Kapoor,”

did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that had been mailed, and using any means and facility of interstate or foreign commerce, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(2)(A).

COUNT TWO
(Possession of Child Pornography)

On or about January 21, 2020, in Essex County, in the District of New Jersey and elsewhere, the defendant,

PERTH DE
a/k/a “Parthasarthie Kapoor,”

did knowingly possess material that contained at least three images of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which images had been mailed, shipped, and transported, using any means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

ATTACHMENT B

I, Isidro Cruz, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. On or about January 21, 2020, at approximately 7:45 a.m., the United States Marshals Service (“USMS”) executed an arrest warrant on Perth De, a/k/a “Parthasarthie Kapoor” (“DE”)¹ at Newark Liberty International Airport. The arrest warrant was issued in connection with a violation of Title 18, United States Code, Section 3187 (provisional arrest of a fugitive)².

2. In or around April 2020, law enforcement, including Homeland Security Investigations (“HSI”) agents working in the Human Trafficking and Child Exploitation Unit in Newark, New Jersey, executed lawful searches of the luggage in DE’s possession on or about January 21, 2020. Law enforcement recovered five cellular phones from DE’s luggage, including a Motorola Smartphone (the “Motorola Phone”).

3. A lawful forensic examination of the Motorola Phone revealed the presence of at least eight video files depicting child pornography, including the following video files:

Video-1 “received_318043612003197.mp4” a video approximately 5 minutes and 40 seconds (5:40) in duration, depicting a naked adult male inserting an object inside the anus of a naked pre-pubescent male who appears to be under the age of 10 years. The naked adult male and the naked pre-pubescent male are lying on their sides on a bed with the adult

¹ The investigation has revealed that DE has used both the name Perth DE and Parthasarthie KAPOOR. Fingerprints from Canada and taken by the USMS in both names have been determined to be a match.

² On or about January 31, 2003, a warrant for DE’s arrest was issued by Justice Jean-Georges Laliberte, of the Province of Quebec on behalf of the Government of Canada. According to Canadian law enforcement officials, from in or around July 1998 through on or about January 4, 2003, within Montreal, Canada, DE committed sexual assaults against, and had illegal sexual contact with, at least five children under the age of fourteen, in violation of the Canadian Criminal Code, Articles 271(1) and 151. DE has since been listed as one of the top 10 most wanted out of Quebec, Canada for sexual assault on minors. DE is pending extradition to Canada. See Mag. No. 20-15012 (ESK)

behind the child. The adult male then penetrates the child's anus with his penis and has anal intercourse with the child.

Video-2 "received_129476257796139.mp4" a video approximately 2 minutes and 12 seconds (2:12) in duration, depicting a naked adult male inserting his penis into the anus of a child who appears to be approximately 11 years of age while lying on a bed. The adult male then penetrates the child's anus with his penis and has anal intercourse with the child.

Video-3 "received_132016560887594.mp4" a video approximately 9 minutes and 50 seconds (9:50) in duration, depicting two naked pre-pubescent males who both appear to be approximately 10 to 12 years in age and are engaged in anal intercourse with each other on a bed. During the length of the video, the two children are in various positions while engaging in anal intercourse.

Video-4 "received_127399798003785.mp4" is a video approximately 7 seconds in length that depicts an adult male penis penetrating what appears to be the buttocks of a small child, without seeing any other part of this individual. The audio accompanying this imagery is the sound of a young child screaming in pain as a reaction to the timing of penetration.

Video-5 "PART_1524962972452_video000000.mp4" is a video that is approximately one minute and fifty-seven seconds (1:57) in duration that depicts a naked child who appears to be approximately 12 or 13 years in age and who is masturbating while seated.

4. The forensic examination of the Motorola Phone's short message service ("text") history revealed that **Video-4** and **Video-5** were sent via text message from the Motorola Phone to two different phone numbers. Specifically, **Video-4** was sent via text message on September 25, 2017 at 3:01 a.m., and **Video-5** was sent via text message on April 29, 2018 at 12:35 a.m. At least one of the videos found on the Motorola Phone had a "hashvalue"³ associated with it that was determined to match a video involving a previously-identified child victim.

5. The forensic examination of the Motorola Phone also revealed several images of DE among its contents, demonstrating his ownership, use and possession. Lastly, the forensic examination of the cellular device revealed the Motorola Phone was associated with two phone numbers that were utilized by DE.

³ A "hashvalue" is a term for unique identifier, similar to that of a fingerprint, assigned to any kind of media file.

6. Based upon my education, training and experience, and my discussions with other law enforcement officers, and to the best of my knowledge, the video files described in paragraph 3 above traveled in interstate commerce because they were transmitted from the Motorola Phone via text message. Specifically, the video files were sent via text message from a phone number with a New York area code to phone numbers with New Jersey and Florida area codes.